

REMARKS

Applicants believe that this application has been amended in a manner that places it in condition for allowance at the time of the next Official Action.

Claim 1 has been canceled. Claim 2 has been amended to include all the recitations of claim 1, from which it was dependent. Claims 3 and 36 have been amended to refer to claim 2 instead of claim 1. Claim 10 has been amended to correct the dependency informality. Claim 31 has been amended to correct the word order informality. Claim 38 has been amended to insert a space.

Claim 31 has been objected to because of informalities in the word order. The phrase "*at position nucleotide -89*" has been replaced by the phrase "*from nucleotide at position -89*".

Claim 38 has been objected to because of a space lacking between the term "*K12*" and "*A19*". A space has been added in claim 38 to overcome this objection.

Claim 10 has been rejected under 35 USC §112 for lacking antecedent basis for the phrase relating to an added RNA polymerase. Present claim 10 has been amended to now depend from claim 28 that recites an added RNA polymerase.

Claim 38 has been rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

However, the *E. coli* K12, A19 strain may be obtained from the *E. coli* Genetic Source Center, where it is referenced under accession CGSC# 5997 (see technical information that may be extracted from <http://cgsc.biology.yale.edu>). Thus, this strain can be obtained from the *E. coli* Genetic Source Center, which confirms the features of the A19 strain genotype indicated on Table 1 i.e., rna19, gdhA2, his-95, relA1, spoT1 and metB1 (under the "mutations" point).

Moreover, it is noteworthy that this strain has been known since 1963. Additionally, the K12 strain, from which the A19 strain is derived (see page 106 of Clark et al. last paragraph), has been sequenced and made public in a Science publication. Therefore, in view of these publications, the person skilled in the art could obtain at the time of filing of the present invention the *E. coli* K12 strain A19.

Consequently, because of the availability of this strain in the CGSC database, and the fact that the person skilled in the art can obtain the A19 strain in view of the specification, applicants believe that the present application contains enough information to satisfy 37 CFR §1.801.

Therefore, in view of the above, withdrawal of this rejection is respectfully requested.

Claims 1 and 36 has been rejected under 35 USC §102(b), as being anticipated by BOWRIN et al. (1994; FEMS Microbiology Letters, 15:1-6) as evidenced by INOUY et al.

Claim 1 has been canceled. This rejection should now be rendered moot.

Claim 36 has been amended to refer to claim 2 (that is allowable) instead of claim 1 that is presently canceled. Therefore, by this amendment, this rejection should now be rendered moot.

Therefore, in view of the above, withdrawal of this rejection is respectfully requested.

Claims 2-8, 29, 34, 35 and 39 are objected to as being dependent upon a rejected base claim.

Claim 1 has been cancelled, and claim 2 has been amended to recite all the features of claim 1. Therefore, claims 3-8, 29, 34, 35 and 39 all refer directly or indirectly to claim 2.

Therefore, in view of the above, withdrawal of this objection is respectfully requested.

From the foregoing favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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